

SENATE CHAMBER,
AUSTIN, TEXAS, Saturday, May 20, 1871. }

Senate met pursuant to adjournment; President Campbell presiding.

Roll called; quorum present.

Absent—Senators Bell, Parsons, Pickett and Pridgen.

Absent—excused—Senator Evans.

On motion of Senator Cole, Senator Pickett was excused on account of sickness.

On motion of Senator Ford, Senator Gaines was excused from attendance from 11 A. M. to-day to Monday morning.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal of yesterday was dispensed with.

On motion of Senator Gaines, the Assistant Doorkeeper of the Senate was excused from attendance from 11 A. M. to-day until Monday morning.

Senator Rawson arose to a question of privilege, and asked that the journal of yesterday be corrected so as to show that he voted in the negative upon the motion of Senator Gaines to lay upon the table the following amendment to House concurrent resolution No. 9, "Directing the Speaker of the House and the President of the Senate to declare a recess of their respective bodies at 12 M. on Wednesday, May 31, 1871, until Monday, October 16, 1871," to-wit: Amend by striking out of line six the words "a recess of;" also, strike out of the last two lines the words "until Monday, the 16th day of October, 1871," and insert the words "adjourned *sine die*."

Journal corrected as requested.

On motion of Senator Flanagan, the rules were suspended to take from file Senate bill No. 429, to be entitled "An act to provide for a special registration of voters preparatory to any election under the provisions of 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements, approved April 12, 1871,' and to declare who shall be considered qualified voters at any election held under the provisions of said act." Read second time.

Senator Ruby offered a substitute for the bill (Substitute Senate bill No. 429) "An act amendatory of and supplemental to 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvements,' approved April 12, 1871."

Substitute read first time.

Senator Ruby moved the adoption of the substitute. Lost.

Senate bill No. 429 ordered engrossed and passed to a third reading.

On motion of Senator Flanagan, the rules were further suspended and Senate bill No. 429 read third time and passed.

On motion of Senator Rawson, the rules were suspended to take from file House bill No. 680, "An act to prohibit the sale of intoxicating or spirituous liquors in and within two miles of the town of Elysian Fields, in Harrison county." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended and House bill No. 680 read third time and passed.

By leave, Senator Mills presented the following report of the Committee on Contingent Expenses :

COMMITTEE ROOM,
AUSTIN, May 17, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR: Your Committee on Contingent Expenses have had the following claims under consideration, and I am directed to report them approved and ordered to be paid.

Tracy & Quick	\$231 00
Houston Times	7 00
Flake's Bulletin	39 48
Schutze & Deitzel	931 50
Siemerling & Co.	21 00
Thomas Beck	11 25
A. B. Palm	227 89
Slocum & Thompson	36 70
J. G. Tracy	356 60

Parties having claims are requested to call on the Secretary for their vouchers.

J. S. MILLS,
Chairman.

Report read.

On motion of Senator Gaines, the rules were suspended, report adopted and the several accounts ordered paid.

On motion of Senator Baker, the rules were suspended to take from file House bill No. 342, "An act to incorporate the Glover Male and Female Academy." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Baker, the rules were further suspended and House bill No. 342 read third time and passed.

Senator Ford submitted the following report of the Committee on State Affairs :

COMMITTEE ROOM,
AUSTIN, May 18, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on State Affairs, to whom was referred House bill No. 241, entitled "An act to provide for the appointment of one county surveyor for one or more counties," after careful consideration, instruct me to report the same back and recommend it with the amendment to the consideration of the Senate.

Respectfully,

S. W. FORD,
Chairman.

Amendment to House bill No. 241 : Amend by striking out section two.

Report read and laid over under the rules.

MESSAGES.

Under direction of the President the Secretary returned to the House the following House bills, with the action of the Senate :

House bill No. 131, "An act to incorporate the Gilmer Manufacturing Company," passed May 19, 1871.

House bill No. 479, "An act amendatory of 'an act to incorporate the Home Insurance Company of Houston, Texas,'" passed May 19, 1871.

House bill No. 561, "An act to incorporate the city of Corsicana, in Navarro county, Texas," passed May 19, 1871.

House bill No. 678, "An act for the relief of John Dobbin, late sheriff of Bexar county," passed May 19, 1871.

House bill No. 679, "An act making an appropriation to pay the expenses of commissioners to locate and build the Agricultural and Mechanical College of Texas," passed May 19, 1871.

House bill No. 632, "An act to regulate the change of venue of cases in the district court, which the judges of said court are disqualified from trying," passed May 19, 1871.

Message from the House by the Chief Clerk, Mr. Ketchum, returning to the Senate the following Senate bills, informing the Senate the House had passed the same :

Senate bill No. 92, "An act to authorize the Commissioner of the General Land Office to purchase one hundred and thirty copies of Burlage & Hollingsworth's Book of Valid Land Titles, to prevent the location of fraudulent land certificates."

Senate bill No. 397, "An act supplemental to an act entitled 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871."

Also, transmitting for concurrence the following House bills:

House bill No. 311, "An act to establish a Normal school at Harmony, Walker county, Texas."

House bill No. 575, "An act to incorporate the Medical Department of the Texas University."

House bill No. 681, "An act to authorize the Board of Trustees of the State Blind Asylum to audit the payment of certain accounts, and making an appropriation for the same."

House bill No. 682, "An act making an appropriation to defray the expenses of the Secretary of State, James P. Newcomb, while in business connected with the frontier defense bonds and agricultural land scrip."

House bill No. 683, "An act to incorporate the Navasota Hook and Ladder Company, No. 1, of the city of Navasota, State of Texas."

Also, transmitting for signature of the President, the following enrolled House bills:

House bill No. 605, "An act to incorporate the town of Yorktown."

House bill No. 491, "An act for the relief of Drury Field, assignee of James Y. Mason."

House bill No. 101, "An act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas."

House bill No. 439, "An act to incorporate the Jefferson Ice Manufacturing Company."

House bill No. 284, "An act to incorporate the Austin Homestead Building Association."

House bill No. 498, "An act authorizing the County Court of Harris county to issue bonds for the purpose of funding the indebtedness of said county, and to provide for their payment."

House bill No. 212, "An act to amend the seventy-first and ninety-second sections of 'an act to regulate proceedings in the district courts,' approved May 13, 1846."

Enrolled bills signed by the President in open session and returned to the House.

On motion of Senator Shannon, the rules were suspended to take from file House bill No. 52, "An act to prohibit the sale of intoxicating liquors within certain limits of Birdville, Tarrant county, Texas." Read first time, rules suspended, read second time and passed to a third reading.

On motion of Senator Bell, the rules were further suspended, and House bill No. 52 read third time and passed.

On motion of Senator Gaines, the rules were suspended to take from file House bill No. 320, "An act to enforce section twenty-one, article one, of the Constitution." Read second time.

Senator Ruby offered the following amendment: Amend section two, line seven, by inserting the words "on conviction" after the word "punish." Adopted.

11 o'CLOCK, A. M.

Pending further action, the hour arrived for consideration of special order, House bill No. 333, "An act to confer additional authority on the Waco and Northwestern Railroad Company."

Senator Gaines moved that the special order be postponed until the matter pending be disposed of.

Yeas and nays called for and special order postponed by the following vote:

Yeas—Mr. President, Baker, Bell, Flanagan, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Pettit, Pridgen, Rawson, Ruby, Saylor, Tendick—15.

Nays—Bowers, Broughton, Cole, Dohoney, Douglass, Ford, Parsons, Pyle, Shannon—9.

Senator Gaines moved that the bill pass to a third reading as amended.

Yeas and nays called for and bill passed to a third reading by the following vote:

Yeas—Mr. President, Baker, Bell, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrand, Pettit, Pridgen, Rawson, Ruby—13.

Nays—Bowers, Broughton, Cole, Dohoney, Douglass, Flanagan, Parsons, Pyle, Saylor, Shannon, Tendick—11.

Postponed special order, House bill No. 338, "An act to confer additional authority on the Waco and Northwestern Railroad Company."

On motion of Senator Mills, the special order was further postponed until the Senate should consider the report of select committee on the veto message of the Governor on Senate bill No. 101, "An act to amend the first section of an act supplemental to an act entitled 'an act defining the office and duties of notaries public,' passed May 13, 1846, approved March 5, 1863."

Report, message and bill read.

The question being "Will the Senate upon reconsideration agree to pass the bill?"

Yeas and nays were taken, and the Senate, upon reconsideration, does not agree to pass the bill (Senate bill No. 101) by the following vote:

Yeas—Bowers, Broughton, Cole, Dohoney, Flanagan, Parsons, Pyle, Shannon—8.

Nays—Mr. President, Baker, Bell, Douglass, Ford, Fountain, Hall, Hertzberg, Hillebrand, Mills, Pettit, Pridgen, Rawson, Ruby, Tendick—15.

Consideration of postponed special order resumed: House bill No. 338, "An act to confer additional authority on the Waco and Northwestern Railroad Company."

The question being upon the adoption of the following amendment offered by Senator Ford on yesterday: Amend section four, line sixteen, strike out all after the word "shall" down to and including the word "addition" in line twenty, and insert the following: "forthwith proceed to have the same condemned in accordance with law in the district court of the county in which such land is situated; *provided* said company shall, during the term, pay to the clerk of said court the amount of such judgment in United States currency for the benefit of the claimant of such land, subject to appeal as in other cases." Adopted.

Senator Ford offered the following amendments: Amend section five, line fifteen, strike out the word "directors" and insert the word "company." Adopted.

Also, amend section ten, line five, strike out all after the word "and" down to and including the word "rivers," in line nine. Adopted.

Bill passed to a third reading as amended.

Senator Ford moved to suspend the rules to read the bill a third time.

Yeas and nays called for, and motion to suspend the rules lost by the following vote:

Yeas—Mr. President, Bell, Bowers, Broughton, Dohoney, Ford, Fountain, Pettit, Ruby, Saylor, Shannon—11.

Nays—Baker, Douglass, Flanagan, Hertzberg, Hillebrand, Mills, Parsons, Pyle, Rawson, Tendick—10.

Senator Cole moved to adjourn to Monday at 10 o'clock A. M.

Yeas and nays called for, and motion to adjourn carried by the following vote:

Yeas—Mr. President, Baker, Bowers, Cole, Flanagan, Hall, Parsons, Pridgen, Pyle, Rawson, Shannon, Tendick—12.

Nays—Bell, Broughton, Dohoney, Douglass, Ford, Fountain, Hertzberg, Hillebrand, Mills, Pettit, Ruby, Saylor—12.

So the Senate, at 11:45 o'clock A. M., adjourned to 10 o'clock A. M. Monday.